

CITY COUNCIL AGENDA

MARCH 15, 2005

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ITEMS 10.1 AND 10.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27364 – Amending Section 11.36.230 of Chapter 11.36 of Title 11 of the San José Municipal Code to allow News vehicles to be exempt from certain provisions related to the stopping, standing and parking of vehicles in Chapter 11.36.
- (b) ORD. NO. 27367 – Rezoning certain real property situated on the southwest corner of Pine Avenue and Cottle Avenue (1260 Pine Avenue) to A(PD) Planned Development Zoning District. PDC04-105
- (c) ORD. NO. 27368 – Rezoning certain real property situated at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Place) to R-1-8 Residence Zoning District. C04-079
- (d) ORD. NO. 27369 – Rezoning certain real property situated at the southeast corner of North 13th Street and East Julian Street (288 North 13th Street) to A(PD) Planned Development Zoning District. PDC04-089
- (e) ORD. NO. 27370 – Prezoning certain real property situated on the west side of South White Road, between Milford Way and Story Road (1075 South White Road) to CP Commercial Pedestrian Zoning District. C04-108
- (f) ORD. NO. 27371 - Rezoning certain real property situated on the south side of Malone Road approximately 240 feet northeasterly of Johnston Avenue (800 Malone Road) to A(PD) Planned Development Zoning District. PDC04-028
- (g) ORD. NO. 27372 - Rezoning certain real property situated west side of McKean Road, approximately 4,000 feet northerly of Uvas Road (23735 McKean Road) to A(PD) Planned Development Zoning District. PDC04-057

2.3 [Approval of the City Auditor's Travel Calendar through June 30, 2005.](#)

Recommendation: Approval of the City Auditor Gerald Silva's travel calendar through June 30, 2005, at a total cost to the City of \$1,486. (City Auditor)
(Deferred from 2/1/05 – Item 2.5 et. al. and 3/1/05 – Item 2.3)

2 CONSENT CALENDAR

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the K.O.N.A Environmental Outreach Project (PSM 404) with a net impact to the fund of \$10,230.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the K.O.N.A Environmental Outreach Project, as more specifically described in the memorandum from the Redevelopment Agency, dated January 28, 2004.

CEQA: Not a Project. Council Districts 7 and 8. SNI: K.O.N.A. (City Manager's Office)

2.5 Approval to submit an application to establish a Foreign Trade Subzone.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Submit an application to the Foreign Trade-Zones Board for establishing a Foreign Trade Subzone at Space Systems/Loral, Inc. facilities in Palo Alto, Menlo Park and Mountain View, California.
- (b) Negotiate and execute an agreement with Space Systems/Loral, Inc. for management and operation of the Subzone upon the Foreign Trade-Zones Board's approval of the application.

CEQA: Not a Project. (Economic Development)

2.6 Approval of an agreement for the use, management, and operations of the Municipal Stadium.

Recommendation: Approval of an agreement for a term of 30 months with Baseball Acquisition Company, Inc. (BAC) for the use, management and operations of Municipal Stadium, under which BAC would pay to the City 1.1% of contractor's gross receipts or \$12,000 annually, whichever is greater. CEQA: Exempt, PP04-275. Council District 7. (Parks, Recreation and Neighborhood Services)

2.7 Approval of action related to the annexation of Evergreen No. 187.

Recommendation: Adoption of a resolution initiating proceedings and setting March 29, 2005 at 1:30 p.m. as the date for Council consideration on the reorganization of territory designated as Evergreen No. 187 which involves the annexation to the City of San José of 0.52 acres of land more or less, located on the east side of Ruby Avenue 70 feet northwesterly and opposite Chapala Drive and adjacent to the City of San José annexations Evergreen Nos. 132 and 170 and the detachment of the same from Santa Clara County Central Fire Protection and Area No. 01 (Library Services) County Services. CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

2 CONSENT CALENDAR

2.8 Approval of actions for the installation of emergency standby generators and components.

Recommendation: Adoption of a resolution:

- (a) Authorizing the Director of Public Works to approve specifications that require installation of emergency standby generators and components manufactured by Power Generation in all essential service buildings constructed pursuant to the Neighborhood Security Bond Act of; and
- (b) Finding that designating the installation of emergency standby generators and components manufactured by Power Generation is for the purpose of matching other products already in use on other public improvements.

CEQA: Not a Project. (Public Works/General Services)

(Deferred from 3/1/05 – Item 2.17)

DROP

2.9 Approval to summarily vacate a Public Utility Easement.

Recommendation: Adoption of a resolution summarily vacating the four-foot wide Public Utility Easement lying in Lots 35 and 36 of Tract 1840, also known as 3633 Vista Del Valle. CEQA: Exempt, PP05-024. Council District 4. (Public Works)

2.10 Approval of an agreement for the conversion of overhead facilities to underground facilities.

Recommendation: Approval of the agreement with Pacific Gas & Electric Company for the conversion of overhead facilities to underground facilities within the Rule 20B Underground Utility District at King Road, from Story Road to Marsh Street in the amount of \$134,427. CEQA: Exempt, PP01-03-059. Council District 7. SNI: King/Ocala. (Public Works)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 2, 2005

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 15, 2005 Council Agenda
 - (2) Add New Items to March 8, 2005 Amended Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Amtrak and the Proposed FY 2006 Federal Budget
 - (b) Opposition to the Elimination of the Community Development Block Grant Program in the Proposed FY 2006 Federal Budget
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report on Public Records Act Requests
 - (2) Discussion of California Assembly Constitution Amendment No. 5: Proposed Retirement Plan Change from Defined Benefit to Defined Contribution
- (h) Oral Communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

3.4 Approval to negotiate an agreement for the New City Hall's Converged Network.

Recommendation: Report on RFP and adoption of a resolution authorizing the City Manager to negotiate an agreement with Nortel Networks Corporation for the purchase of a Converged Data Network and Telephony System in an amount not to exceed \$5,631,600 plus a 10% contingency (\$563,160), for the installation and one year managed services for a converged voice, video, and data network for the New City Hall and to present the final agreement to the City Council for approval on or before March 15, 2005. CEQA: Not a Project. (City Manager's Office/Information Technology/Finance/General Services)
(Deferred from 3/1/05 – Item 3.6)

3.5 Approval to extend the Civic Plaza Parking & Traffic Committee.

Recommendation: Adoption of a resolution extending the Civic Plaza Parking & Traffic Committee (PTC) through December 31, 2007 and authorizing the PTC to reduce the number of members to fourteen members. CEQA: Not a Project. (Public Works)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

4.2 Report of the Driving a Strong Economy Committee – February 28, 2005 Council Member Williams, Chair

- (a) Proposed Amendments to the Parks PDO/PIO Ordinance
SEE ITEM 4.5 FOR COUNCIL ACTION TO BE TAKEN
- (b) Small Business Update
- (c) Sports Progress Report
- (d) United Way Needs Assessment Survey and San José's Economic Future
- (e) Bi-Monthly Economic Indicators
- (f) Oral Petitions
- (g) Adjournment

4.3 Approval of actions for applying for a Workforce Housing Reward Program grant.

Recommendation: Adoption of a resolution authorizing the Director of Housing to:

- (a) Apply and accept Workforce Housing Reward Program grants in the estimated amount of \$2,040,600 from the California Department of Housing and Community Development (HCD); and
- (b) Negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the Workforce Housing Reward Program grants.

CEQA: Not a Project. (Housing)

4.4 Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José to approve various modifications to the Sign Ordinance.

Recommendation: Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José, to expand the boundary of the Downtown Sign Zone; modify the Downtown Sign Zone provisions to include regulations for Mixed-Use Development and modifications to the temporary Sign and 3D Sign Regulations; modify the Airport Sign Zone provisions to allow Neon signage and clarify regulations; include sign provisions for Live/Work uses; modify the skyline and rooftop sign provisions to apply Citywide; modify the commercial sign provisions to allow greater flexibility for two-story retail uses and to establish a minimum base height for detached signs; clarify public outreach sign allowances; clarify directory sign allowances for parking structures; and reorganize and reformat various sections along with other minor technical changes.

CEQA: Exempt, PP05-040. (Planning, Building and Code Enforcement)

(Deferred from 3/1/05 – Item 4.3)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of actions for the Parkland Dedication Ordinance and Park Impact Ordinance.

Recommendation:

- (a) Acceptance of the report as additional information regarding the proposed revisions to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO); and
- (b) Adoption of a resolution setting a public hearing on April 12, 2005 at 1:30 p.m. to consider staff recommendations regarding the proposed amendments to the PDO and PIO, Chapters 19.38 and 14.25, respectively, of the San José Municipal Code, and changes to the associated Fee Resolution with respect to the granting of credit for recreation facilities and dedicated parkland.

(Parks, Recreation and Neighborhood Services)

[Driving a Strong Economy Committee referral 2/28/05 – Item 4.2(a)]

4.6 Approval to award a contract for the Animal Care Center -Tenant Improvements #1- Spay & Neuter Clinic Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Animal Care Center -Tenant Improvements #1- Spay & Neuter Clinic Project. CEQA: Mitigated Negative Declaration, H01-01-003. (Public Works)

4.7 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a residential parcel currently used as a private street for purposes of converting the acquired property to a public street and installing new asphalt paving, curbs, gutters, storm drainage, sanitary sewer, sidewalks, streetlights and related improvements from the owner, Edith Guevara and located at 2942 Towers Lane, San José, CA 95124 (APN No. 670-13-010) together with a temporary construction easement on an adjacent portion, and authorizing the City Attorney to file suit in eminent domain to acquire such property interests, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, PP02-03-046. Council District 7. SNI: West Evergreen. (Public Works)

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various actions related to the Earthquakes and sports facilities in San Jose.

Recommendation:

- (a) Approval to co-sponsor a rally on March 31, 2005 to kick off the new soccer season;
 - (b) Adoption of a resolution of support for efforts to keep the Earthquakes in San Jose;
 - (c) Direction to staff to collaborate with other South Bay cities on potential strategies to keep the Earthquakes located in the area;
 - (d) Direction to staff to pursue a joint planning effort with San Jose State University in the South Campus with goal of creating a multi-purpose recreation facility.
- (City Manager's Office)
(Rules Committee referral 3/2/05)

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

10.1 Approval of action related to the efforts between the City and Salvation Army to submit an application for a KROC Community Center.

Recommendation: Approval of action related to the efforts between the City and Salvation Army to submit an application for a KROC Community Center. CEQA: Not a Project. (City Manager's Office)
(Referred from 2/15/05 – Item 10.3)
TO BE HEARD IN THE EVENING

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of an ordinance adding new regulations regarding disclosure of fundraising solicitations by Elected Officials of the City of San José and Redevelopment Agency Board of Directors.

Recommendation: Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.16 imposing regulations with regard to disclosure of fundraising solicitations by Elected Officials of the City of San José and the Redevelopment Agency Board of Directors, as recommended by the Blue Ribbon Task Force. (City Clerk/Blue Ribbon Task Force)
(Rules Committee referral 3/2/05)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on Conventional Rezoning from R-2 Two Family Residence Zoning District to R-M Multiple Residence Zoning District.

Recommendation: Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of N. 6th Street and Younger Avenue (257 E. Younger Avenue) (Roy Family Partnership, Owner).

CEQA: Resolution No. 65459.

C04-102 – District 3

(Continued from 3/1/05 – Item 11.3)

RECOMMEND DROP

11.2 Public Hearing on proposed ordinance and fee resolution amendments to provide exceptions for certain historic resources from Single Family House Permits.

Recommendation:

- (a) Approval of an ordinance amending Chapter 20.100 of Title 20 of the San José Municipal Code to provide for an exception for City Landmark and/or Historic District houses and to provide for a simplified and cost effective Category 1 Single Family House Permit Process for homes listed in the Historic Resources Inventory with a floor area ratio equal to or less than forty-five hundredths (0.45). CEQA: Exempt, PP05-002. (Planning, Building and Code Enforcement)
- (b) Adoption of a resolution amending the Schedule of Fees and Charges to establish a reduced fee for Category 1 Single Family House Permits for homes listed on the Historic Resources Inventory with a Floor Area Ratio equal to or less than 0.45 as an incentive program. CEQA: Exempt, PP05-002. (Planning, Building and Code Enforcement)

11.3 Public Hearing on Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 10 single-family attached residences on a 0.4 gross acre site, located at the southeast corner of South 2nd Street and Virginia Street (822 South 2nd Street) (Virginia Street Investors, Owner). SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC04-011 - District 3

11 PUBLIC HEARINGS

11.4 Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 300,000 square feet of retail commercial uses on a 19.59 gross acre site, located at/on the north side of Story Road approximately 720 feet southwesterly of McLaughlin Avenue (915 Story Road) (915 Story Road Investors LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC04-045 - District 7

11.5 **Public Hearing on Conforming Rezoning from A Agriculture Zoning District and R-1-5 Residence Zoning District to R-1-5 Residential Zoning District.**

Recommendation: Public Hearing on Conforming Rezoning from A Agriculture Zoning District and R-1-5 Residence Zoning District to R-1-5 Residential Zoning District to allow single-family detached residential uses on a 0.38 gross acre site, located on the northeast corner of Reno Drive and Antonacci Court (2370 Reno Dr.) (Nguyen Nhe Nho and Phu Nu Kim, Owner). CEQA: Resolution No. 65459.
C03-096 - District 8
DROP

- Open Forum
- Adjournment